

it admits in its statement of opposition, it is FEMA's own regulatory interpretations that would require it to pay for prayer books or other similar items. But neither of the regulations that FEMA cites as forcing it to make the apparently unpalatable choice appear to require any such decision. And FEMA can always exercise its interpretive power to avoid a constitutional violation.

Again, no one is asking the government to buy prayer books or Torahs. Instead, synagogues, churches, and mosques are simply asking that they receive the same disaster relief as many other private nonprofits. Doing anything less would not live up to the neutrality required by the Establishment Clause—it would express a blatant hostility to religion that the Establishment Clause rejects.

In conclusion, it is our opinion that FEMA cannot rely on the Establishment Clause to categorically ban houses of worship from competing for disaster relief funds on the same terms as other eligible nonprofits. Your proposed bill will not violate the Constitution but will instead protect it.

Very truly yours,

ERIC C. RASSBACH,
DANIEL BLOMBERG,

The Becket Fund for Religious Liberty.

Mr. BARTLETT. Madam Chair, I yield myself such time as I may consume.

I know all too well and firsthand what happens when disaster strikes at home. My constituents were affected by Hurricane Irene and Tropical Storm Lee.

So I would like to commend the gentleman from New Jersey for his hard work for the constituents back home. It's times like this that we need to come together in a bipartisan fashion to help Americans who need that help.

With that, Madam Speaker, I yield back the balance of my time.

Mr. LEVIN. Madam Speaker, in the wake of the devastation caused by Superstorm Sandy, Congress must be an active partner in the effort to rebuild, so I will vote in favor of the bill before the House today, which extends FEMA disaster relief assistance to houses of worship on an equal footing with other not-for-profit organizations affected by the storm.

I wish, however, that the House had taken the time to hold hearings on this legislation before bringing it to the House Floor so that we could have more fully explored the constitutional issues involved with this matter. Clearly, the federal government can and does provide federal resources to houses of worship for a variety of purposes, including homeland security grants and small business loans, but we must tread carefully in this area to ensure that the assistance extended passes muster with the basic provisions of the Constitution. It would have been better to thoroughly vet the language of this bill, among ourselves in the House and with constitutional scholars before bringing it up for a vote. As this legislation must pass the Senate in order to become law, I hope there will be in their proceedings a careful review of these issues before they act, including making any needed changes, which would bring the bill back to the House for final enactment.

Mr. FRANKS of Arizona. Madam Speaker, we often come to this floor to advocate any number of controversial issues—issues that often produce strong disagreement from the given

Speaker's opposing party. But I stand here today stating what I'm confident an overwhelming majority of Americans would deem simple common sense: if the government responds to a disaster—like Hurricane Sandy, which caused devastating damage and losses in the tens of billions of dollars—it should strive to help the entire community recover, not pick and choose some to receive help and others to go it alone.

But, stunningly, that's not the way it currently works, Madam Speaker. As it stands, many of the strongest, most necessary pillars in our society—churches and other places of worship—are being excluded from even being considered for the recovery aid provided by FEMA in the wake of Sandy.

Since the policy has come to light, some have attempted to defend it, invoking that all-too-commonly abused notion of the separation of church and state. But, Madam Speaker, even if we accept the most radical definition of this phrase, there would still be no reasonably legal explanation for this inexcusable oversight.

The Supreme Court responded to a similar issue when it decided *Everson v. Board of Education*. In that decision, the court criticized the “imposition of taxes to pay ministers’ salaries and to build and maintain churches and church property.” But in the very same decision, the court makes clear the obvious exception to this policy, stating that the state has the duty to maintain neutral relations with places of worship, and that they should be granted access to the same basic government services as the rest of the community—“such general government services as ordinary police and fire protection, connections for sewage disposal, public highways and sidewalks.”

Who can, with any modicum of intellectual honesty, suggest that disaster relief does not fit the definition of a basic government service? The government is not maintaining neutral relations with houses of worship in this sphere. It is actively and specifically excluding them from a basic government service enjoyed by every other member of the community.

Of course, perhaps the cruelest irony of this entire situation is the fact that it is so often the churches who step in to help in the immediate aftermath of such disasters. They are the ones sending their congregations to feed, clothe, and house a desperate community. They are the ones taking up donations en masse to help the most afflicted. And they are the ones selflessly emptying their food closets to sustain, for just a little while longer, families anxiously awaiting government aid—the same government aid for which they will inexplicably not even be considered.

Madam Speaker, this unconstitutional, un-American, unreasonable discrimination against these essential, compassionate members of our society simply must not continue. Churches

and other places of worship must be held to the same criteria as other members of the community in these decisions. I urge my colleagues to strongly support H.R. 592.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BARLETTA) that the House suspend the rules and pass the bill, H.R. 592.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARLETTA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 592, by the yeas and nays;

H.R. 267, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

FEDERAL DISASTER ASSISTANCE NONPROFIT FAIRNESS ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 592) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that houses of worship are eligible for certain disaster relief and emergency assistance on terms equal to other eligible private nonprofit facilities, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BARLETTA) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 354, nays 72, not voting 5, as follows:

[Roll No. 39]

YEAS—354

Aderholt	Bishop (UT)	Bucshon
Alexander	Black	Burgess
Amodei	Blackburn	Bustos
Bachmann	Blumenauer	Butterfield
Bachus	Bonner	Calvert
Barletta	Boustany	Camp
Barr	Brady (PA)	Campbell
Barrow (GA)	Brady (TX)	Cantor
Barton	Braley (IA)	Capito
Beatty	Bridenstine	Capps
Benishek	Brooks (AL)	Cárdenas
Bentivolio	Brooks (IN)	Carney
Bera (CA)	Broun (GA)	Carter
Bilirakis	Brown (FL)	Cartwright
Bishop (GA)	Brownley (CA)	Cassidy
Bishop (NY)	Buchanan	Castor (FL)